

AG Contract No. KR96 0010TRN  
ADOT ECS File No. JPA 95-224  
Project: 60NA341 HX043 01C  
Section: US-60 @ Central Avenue

INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF SHOW LOW

THIS AGREEMENT is entered into 8 MARCH 1996,  
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended,  
between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF  
TRANSPORTATION (the "State") and the CITY OF SHOW LOW, acting by and through its  
MAYOR and CITY COUNCIL (the "City").

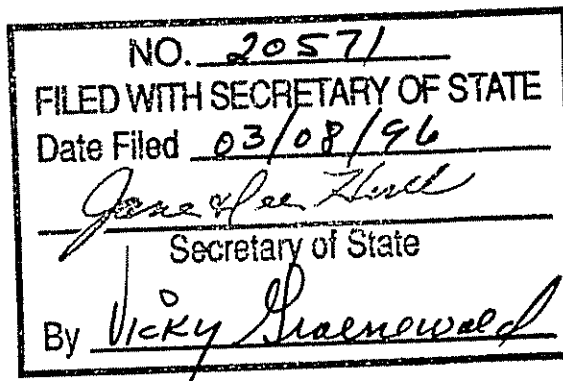
I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The State and the City desire to participate in the construction, operation and maintenance of a new traffic signal warranted on US Route 60 at Central Avenue in the City, hereinafter referred to as the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:



## II. SCOPE OF WORK

### 1. The City will:

a. Provide to State standards design plans, specifications and such other documents necessary for construction bidding and construction. Incorporate State review comments.

b. Call for bids and award one or more construction contracts for the Project. Administer same and make all payments to the contractors. Be responsible for 50% of the cost of the Project, and for any contractor claims for extra compensation attributable to the City.

c. Upon completion of the Project, approve and accept the work as complete and provide electrical energy to operate the signal.

d. Invoice the State for 50% of the cost of the Project, in an amount not to exceed \$60,000.00.

### 2. The State will:

a. Review the design documents and provide comments. Approve the design.

b. Be responsible for any contractor claims for extra compensation attributable to the State.

c. Upon completion of the Project provide signal maintenance.

d. Reimburse the City for 50% of the cost of the signal within 30 days after receipt and approval of an invoice, in an amount not to exceed \$60,000.00.

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement, except any provisions herein for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

City of Show Low  
City Manager  
200 West Cooley Street  
Show Low, AZ 85901

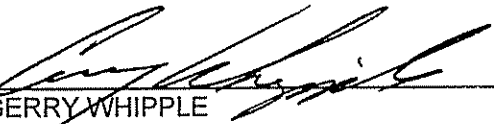
7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

**CITY OF SHOW LOW**

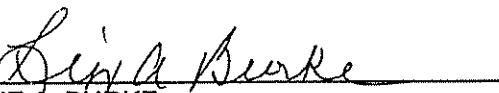
**STATE OF ARIZONA**

Department of Transportation

By   
GERRY WHIPPLE  
Mayor

By   
CHARLES K. EATON, P.E.  
State Traffic Engineer

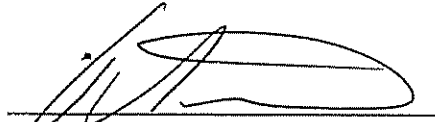
ATTEST

By   
LIZ A. BURKE  
City Clerk

RESOLUTION

BE IT RESOLVED on this 19th day of December 1995, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with with the City of Show Low for the purpose of defining responsibilities for the design, construction and maintenance of a new warranted traffic signal on US-60 at Central Avenue in the City.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.

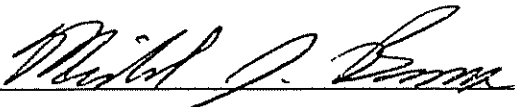
A handwritten signature in black ink, appearing to read 'Larry S. Bonine', is written over a horizontal line.

for LARRY S. BONINE  
Director

APPROVAL OF THE SHOW LOW CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF SHOW LOW and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

  
\_\_\_\_\_  
City Attorney

**CITY OF SHOW LOW RESOLUTION NO. 706**

**A RESOLUTION OF THE MAYOR AND COUNCIL  
OF THE CITY OF SHOW LOW, ARIZONA  
APPROVING AN INTERGOVERNMENTAL  
AGREEMENT BETWEEN THE CITY OF SHOW  
LOW AND THE STATE OF ARIZONA,  
DEPARTMENT OF TRANSPORTATION, FOR THE  
PURPOSE OF DEFINING RESPONSIBILITIES FOR  
THE INSTALLATION OF A TRAFFIC SIGNAL AT  
THE JUNCTION OF U.S. HIGHWAY 60 AND  
NORTH CENTRAL AVENUE**

**RECITALS:**

**WHEREAS**, the Arizona Department of Transportation and the City of Show Low have found it necessary and desirable that a traffic signal be installed at the intersection of Highway US60 and North Central Avenue; and

**WHEREAS**, the City of Show Low currently has Intergovernmental Agreements with the State of Arizona for the operation and maintenance of other traffic signals and/or highway lighting; and

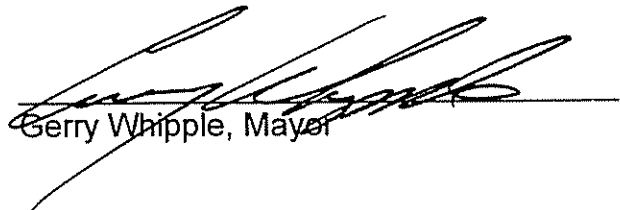
**WHEREAS**, the City of Show Low agrees to provide electrical energy to operate the signal; and

**WHEREAS**, the City of Show Low is empowered by Arizona Revised Statutes Section 48-572, and Show Low City Code Section 2-1-2 to enter into an agreement and authorize the Mayor to execute said Agreement on its behalf.

**ENACTMENTS:**

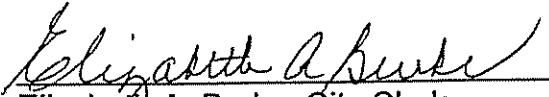
**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the City of Show Low, Arizona hereby approves an Intergovernmental Agreement between the City of Show Low and the State of Arizona for the purpose of defining responsibilities for the installation and maintenance of traffic signals at the junction of US60 and North Central Avenue.

**PASSED AND ADOPTED** this 6th day of February, 1996, by the Mayor and Council of the City of Show Low, Arizona.

  
Gerry Whipple, Mayor

**City of Show Low Resolution No. 706**

**ATTEST:**

  
Elizabeth A. Burke, City Clerk

**APPROVED AS TO FORM:**

  
Michael J. Brown, Interim City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025

TELECOPIER : 542-4085

GRANT WOODS  
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT  
DETERMINATION

A. G. Contract No. KR96-0010-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 4th day of March, 1996.

GRANT WOODS  
Attorney General

A handwritten signature in cursive script, reading "James R. Redpath", written over a horizontal line.

JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

JRR:lsr  
9042G